

Probate Status Hearing Re: Failure to File a Petition for Final Distribution

DOD: 1-18-06		<p>BETTY MARIE GLOVER, daughter, was appointed as Executor with Full IAEA with bond of \$276,000.00 on 8-28-07. Bond was filed and Letters issued on 11-1-07.</p> <p>The appointment was appealed; however, pursuant to the Opinion entered 5-22-08 by the Fifth Appellate District, the order of the probate court was affirmed and costs were awarded to the Executor. Remittur was filed 7-23-08.</p> <p>On 2-14-14, the Court set this status hearing for failure to file a petition for final distribution.</p> <p>Status Report filed 8-13-14 by Attorney Amador states probate was delayed by objections of the beneficiaries to the Executor's appointment and subsequent appeal of this Court's order. She thereafter had problems obtaining access to the decedent's real and personal property, as this same beneficiary blocked access to the real property. Thereafter, the Executor suffered health problems which prevented her from completing the I&A until recently. She has now engaged new counsel to assist with the ongoing work of the probate. The I&A will be submitted once the Probate Referee completes his work.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Attorney Fanucchi filed a "Notice of Lien for Attorney's Fees" alleging fees totaling \$1,630.00; however, there does not appear to be any Court order authorizing this sum to this attorney.</p> <p>Note: According to the decedent's will dated 2-20-03 which was admitted to probate on 8-28-07, the heirs to this estate are the decedent's three children: Administrator Betty Glover, Donald Hunt, and Barbara Hunt.</p> <ol style="list-style-type: none"> Need First Account and Petition for Final Distribution verified written status report regarding the status of administration and the estate assets and the estimated time to close the estate. The original petition estimated the value of the estate at \$276,000.00 which included real and personal property and the Executor filed a bond in that amount of 11-1-07. The Inventory and Appraisal filed 9-8-14 indicates real property only valued at \$350,000.00. The Court may require increased bond pursuant to Cal. Rules of Court 7.204.
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FTB Notice			

Reviewed by: skc
Reviewed on: 9-23-14
Updates:
Recommendation:
File 1 – Hunt

DOD: 7/29/2010	<p>FRANK SCOTT HINE was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011.</p> <p>Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority.</p> <p>Bond of \$45,000.00 filed on 8/10/12.</p> <p>Letters issued 10/24/12.</p> <p>On 4/22/14 the court signed an Order Confirming Sale of Real Property. The Order required the proceeds from the sale be placed into a blocked account. This status hearing was set for the filing of the Receipt for Blocked Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Receipt for Blocked Account filed on 9/14/14.</p>	
Cont. from 060314, 080514, 091614			
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Status Rpt			Reviewed on: 9/25/14
UCCJEA	Updates:		
Citation	Recommendation:		
FTB Notice	File 2 – Hine		

Atty Wishon, A. Emory (for Executor Diane Esparza)
 Atty Roberts, Gregory J. (for Objector Ray A. Esparza)

Amended First and Final Account and Report of the Status of Administration and
 Petition for Settlement Thereof; For Allowance of Statutory Attorneys'
 Compensation and for Final Distribution (Probate Code 1060, et seq., 9611, 11640,
 10800, 10810, 10900 and 12201)

DOD: 3-2-13		<p>DIANE ESPARZA, Executor with Limited IAEA without bond, is Petitioner.</p> <p>Account period: 3-2-13 through 6-30-14 Accounting: \$175,094.62 Beginning POH: \$164,061.64 Ending POH: \$175,105.87 (\$54,505.87 cash plus real property, personal property, and rent due from Executor Diane Esparza of \$10,400.00)</p> <p>Executor (Statutory): \$6,252.84 Attorney(Statutory): \$6,252.84</p> <p>Petitioner states she advanced estate expenses totaling \$13,868.21 during this account period. Petitioner also resided in the home; therefore, she owes rent of \$650/month from 3-2-13 through 6-30-14 totaling \$10,400.00. Therefore, the balance due Petitioner for unreimbursed expenses is \$3,468.21.</p> <p>Petitioner requests distribution pursuant to Decedent's will: Diane Esparza and Ray A. Esparza, as trustees of the Ray P. and Virgie Esparza Trust dated 11-1-96: \$159,059.08</p> <p>Objection by Ray A. Esparza filed 9-23-14 states Objector has concerns and believes not all of the assets are accounted for and that many of the expenses are inappropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 12-2-14</u></p> <p>Per Attorney Request</p>	
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✓	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 9-24-14</p> <p>Updates: 9-25-14, 9-29-14</p> <p>Recommendation:</p> <p>File 3 - Esparza</p>		

(1) First and Final Account and Report of Administrators; and (2) Petition for Settlement Thereof; and (3) Petition for Allowance of Statutory Compensation to Administrators and Attorney for Ordinary Services; and (4) Petition for Allowance of Compensation to Administrators for Extraordinary Services; and (5) Petition for Reimbursement of Costs Advanced and (6) Petition for Final Distribution

DOD: 3-9-13		RENEE DAUER and MARJORIE DAUER-PIPER , Co-Administrators with Full IAEA without bond, are Petitioners. Account period: 9-3-13 through 8-12-14 Accounting: \$66,436.07 Beginning POH: \$56,108.04 Ending POH: \$59,264.22 (cash) Co-Executors (Statutory): \$2,600.00 (\$1,300.00 to each Co-Executor) Attorney (Statutory): \$2,600.00 Attorney (costs): \$1,346.00 (filing, appraisal, publication, certified letters) Extraordinary Compensation: Petitioners state they rendered extraordinary services to the estate totaling \$19,795.00 including caring for the decedent in her daily routine, such as bathing and paying bills (during conservatorship), and also worked to clean, organize, and maintain the decedent's residence, which resulted in a \$10,000.00 gain on sale. Petitioners state the work on the residence included sorting accumulated possessions from years of hoarding. See itemization for hourly details. <ul style="list-style-type: none"> Petitioner Renee Dauer requests compensation for 592 hours of service @ \$15.00/hr for a total of \$8,800.00. Petitioner Marjorie Dauer-Piper requests compensation for 733 hours of service @ \$15.00/hr for a total of \$10,995.00. Petitioners also request reimbursement totaling \$11,036.40 for payments made from personal funds during conservatorship of the decedent. <ul style="list-style-type: none"> Renee Dauer requests \$3,743.20. Marjorie Dauer-Piper requests \$3,893.20. Mary Dauer requests \$3,400.00 Distribution pursuant to Creditor's Claim: Department of Health Care Services Medi-Cal lien the amount of \$21,886.82, plus any other amounts not now known or discovered to satisfy the remaining balance of the claim, and thereafter to Petitioners as heirs.	NEEDS/PROBLEMS/COMMENTS: <u>SEE ADDITIONAL PAGE</u>	
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✓	FTB Notice			

Reviewed by: skc

Reviewed on:
9-24-14

Updates:

Recommendation:

File 4 - Dauer

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioners request a total of \$11,036.40 in reimbursement for expenses paid during the conservatee's lifetime dating back to January 2011. The petition did not provide authority or explanation for this request, so Examiner was tasked with reviewing the Conservatorship Case 08CEPR01182. It appears that the Court's order entered 10-15-13 on the Third and Final Account in Conservatorship Case 08CEPR01182 states: "Upon the presentation and approval by the Court of an accounting, Petitioners and Mary Dauer shall be reimbursed for payments made from their personal funds for the care of the conservator upon the sale of the residence." (This is noted because it would have been helpful if this petition had referred to the Court's authorization of this request.)

The Conservatorship file indicates that Petitioners and their mother, Mary Dauer, deposited \$100/month into an account "held by them" to pay for the conservatee's expenses not covered by the Conservatee's income beginning in January 2011. The narrative described that items paid from this account included Kaiser health insurance, State Farm Homeowner's Insurance, PG&E for the conservatee's residence, Biola Community Service District (water service), and the Probate Bond. However, it appears that this account "held by them" was not considered to be a part of the conservatorship estate, and was not included in the accounts.

Petitioners, in Exhibit "D" to this petition, do not provide an accounting of these funds for reimbursement. Rather, Exhibit "D" only indicates deposits into the account "held by them." It does not provide a schedule of disbursements from that account.

The Court's order authorized reimbursement upon account. Therefore, need accounting for the \$11,036.40 requested.

2. Petitioners also request \$19,795.00 in extraordinary services to the estate as described in Exhibit "C," which includes services rendered during the decedent's lifetime such as caring for the decedent during the conservatorship, paying bills, and later services including cleaning, organizing and maintaining the decedent's residence. Petitioners indicate 1,325 total hours and state that their cleaning and maintenance of the residence (described as sorting "hoarded" possessions) resulted in a \$10,000 gain on the sale as a benefit to the estate.

However, Examiner notes that the Orders entered in the conservatorship matter do not indicate that any request for compensation for services rendered during the conservatee's lifetime was requested or to be expected. They only mention that a request for reimbursement as noted above would be forthcoming.

As such, the Court may require authority for the request for payment for services rendered prior to the conservatee's death as extraordinary expenses of the estate. (It is noted that Petitioner Marjorie Dauer-Piper, who was the sole conservator of the estate, has already been discharged.)

The Court may also require authority for including various tasks relating to final bills and funeral arrangements as extraordinary expenses, since these are typical estate expenses included in the statutory compensation considered by the Probate Code.

The Court may also require clarification regarding the benefit to the estate for the services rendered pursuant to Cal. Rules of Court 7.702. Petitioners request almost double the amount of gain on the sale of the house, so this does not appear to be a benefit to the estate or to the creditor, DHS, which is owed over \$190,000.00 according to the Creditor's Claim.

Lastly, it appears some of the entries/hours may be duplicated, such as entries on 3-9-13 for each petitioner showing six hours each spent on funeral arrangements.

5 Felipe Barajas Gutierrez (Estate) Case No. 14CEPR00746**Atty Bagdasarian, Gary G. (for Irene Barajas – Petitioner – Daughter)****Atty Kharazi, H. Ty (for Yesenia Torres Fajardo – Competing Petitioner)****Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 06/03/2014		IRENE BARAJAS , daughter is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
		Limited IAEA – o.k.	<u>Competing Petition filed by Yesenia Torres Fajardo on 09/15/2014 is set to be heard on 10/23/2014.</u>
Cont. from		Decedent died intestate	
	Aff.Sub.Wit.		<u>Note: If the petition is granted status hearings will be set as follows:</u>
✓	Verified		
	Inventory		<ul style="list-style-type: none"> • Tuesday, 02/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
	PTC		
	Not.Cred.		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
✓	Notice of Hrg		
✓	Aff.Mail		Reviewed by: LV Reviewed on: 09/24/2014 Updates: 09/29/2014 Recommendation: File 5 - Gutierrez
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	Citation		
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Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 06/13/2014		DENNIS A. TURMON , son/named executor without bond is petitioner.	NEEDS/PROBLEMS/COMMENTS:									
		Petitioner is a resident of Butte, Oregon.	<p>1. Proposed personal representative is a resident of Oregon. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 02/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>									
Cont. from		Full IAEA – o.k.										
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<input type="checkbox"/>	Sp.Ntc.		<p>Residence: Selma Publication: Selma Enterprise</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$322,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$600,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$922,000.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property	-	\$322,000.00	Real property	-	\$600,000.00	Total	-	\$922,000.00
Personal property	-	\$322,000.00										
Real property	-	\$600,000.00										
Total	-	\$922,000.00										
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Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 07/26/2013		ROY BORUNDA , brother is petitioner and requests appointment as Administrator with bond set at \$250,000.00. All heirs waive bond Full IAEA - ? Decedent died intestate Residence: Caruthers Publication: Need <u>Estimated value of the Estate:</u> Personal property - \$156,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. Need date of death of the deceased parents pursuant to Local Rule 7.1.1D. 2. Need Affidavit of Publication. 3. Need Order. 4. Need Letters. Note: Petition requests bond set at \$250,000.00 yet the estate is valued at \$156,000.00. The Court may require clarification as to why the bond amount is greater than the estimated value of the estate. Note: If the petition is granted status hearings will be set as follows: • Tuesday, 10/28/2014 at 9:00a.m. in Dept. 303 for the filing of the bond <u>and</u> Tuesday, 02/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
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Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 07/19/2014		CHRISTOPHER BURNS , son-in-law/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 12/03/1998 Residence: Fresno Publication: The Business Journal <u>Estimated value of the Estate:</u> Personal property - \$250,000.00 Real property - \$350,000.00 Total - \$600,000.00 Probate Referee: Steven Diebert Declaration Re Will (attached to the petition) the decedent, Judith G. Hoyt, executed her Will on December 3, 1998 in the presence of two witnesses. At some point in time thereafter she made some penciled changes to the Will but such changes were neither dated nor signed and accordingly do not constitute a holographic codicil to her witnessed Will. Therefore it is conceded that such changes were wholly invalid.	NEEDS/PROBLEMS/COMMENTS: Note: At this time the Court is only admitting the Will to probate as it is a validly executed Will. Any determination as to the validity or invalidity of the handwritten alterations to the Will will need to be determined at a later date and upon the filing of Points and Authorities in support. <u>Note: If the petition is granted status hearings will be set as follows:</u> • Tuesday, 02/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
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File 8 - Hoyt				

			STEPHANEE WOODWARD , Cousin, was appointed as Guardian of the Person and Estate pursuant to Order entered 8-28-14 with all fund to be blocked.	NEEDS/PROBLEMS/COMMENTS: 1. Need receipt for blocked account (MC-356) or verified status report pursuant to Local Rule 7.5. <u>Note:</u> Guardianship of the estate was requested in order to obtain any insurance or pension funds due the minor; however, at the time of appointment, the nature and amounts expected were unclear. The Court may require clarification regarding actions taken to determine whether the minor is entitled to lump sums or monthly payments, and if so, need Order to Deposit Money Into Blocked Account (MC-355). <u>Note:</u> The Court also set a status date of 1-13-15 for the filing of the Inventory and Appraisal.
	Aff.Sub.Wit.		Separately on 8-28-14, the Court set this status hearing for the filing of the receipt for blocked account and sent notice to Attorney Van Doren.	
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				Reviewed by: skc
				Reviewed on: 9-24-14
				Updates:
				Recommendation:
				File 9 - Fuente

Age: 59		KEIGHT D'AMBROSIO, Cousin, was appointed Conservator of the Person and Estate with a bond amount <i>to be determined</i> on 7-30-14. Letters issued on 8-1-14.	NEEDS/PROBLEMS/COMMENTS:
		At the hearing on 7-30-14, the Court set this status hearing re determination and proof of bond.	<p>1. Need verified status report providing the estimated value of conservatorship estate.</p> <p>2. Need bond. See Cal. Rules of Court 7.207.</p> <p><u>Note:</u> The Conservatee, a developmentally disabled adult, had recently moved to California from Oklahoma, where she had been residing with Tom Steel. The original petition stated that Mr. Steel had been acting as her "guardian," but without court appointment. When he died, Donna was left alone in Oklahoma without family. The petition stated Donna may be entitled to assets in Tom Steel's estate and may have claims that property in the estate was misappropriated. Conservatorship was necessary in order to pursue any interest Donna may have in that estate for her. The attorney was in communication with an attorney handling that matter.</p>
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		Reviewed by: skc	
		Reviewed on: 9-24-14	
		Updates:	
		Recommendation:	
		File 10 - Farris	

Aleyna, 17		<p>LARRY R. GONZALES, father, is Petitioner.</p> <p>ANDY GONZALEZ and REBECCA GONZALES, paternal uncle and aunt, were appointed Co-Guardians of the Person on 01/26/12. – <i>Rebecca Gonzales personally served on 01/16/14</i></p> <p>Mother: TAMMY L. GONZALES</p> <p>Paternal grandfather: ASCENCION GONZALES – deceased Paternal grandmother: LUPE YBARRA</p> <p>Maternal grandfather: JULIO CRUZ Maternal grandmother: CAROL CRUZ – deceased</p> <p>Petitioner states that after 2.5 years, he is now stabilized and drug free. He states that he is now able to care for his children and wants them back.</p> <p>Objection to Termination of Guardianship filed 03/04/14 by guardians, Rebecca and Andy Gonzales, states: They have recently found out that the father, Larry Gonzales, Sr. has had recent DUI's and is currently on probation that will not be completed until August 2015. Further, he is to attend court required classes. They are also aware that he is not to be driving, but they see him driving regularly. Guardians state that Mr. Gonzales has lied to the girls and told them that he has been sober for 2.5 years and they believe him. Guardians would like the court to clarify for the girls that their father has not been honest about his sobriety as evidenced by the DUI's. Further, the guardians state that the father did not follow through on his scheduled visitation and has only exercised visitation about half of the time that he is allotted.</p> <p>Court Investigator Jennifer Young filed a report on 03/12/14.</p> <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 08/05/14</u></p> <p>As of 09/25/14, nothing further has been filed.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition to Terminate Guardianship</i> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> a. Andy Gonzalez (guardian) b. Tammy L. Gonzales (mother) c. Lupe Ybarra (paternal grandmother) d. Julio Cruz (maternal grandfather)
Amelia, 14			
Cont. from 061014 080514			
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<input checked="" type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 09/25/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Gonzales</p>	

Court Investigator Jennifer Young filed a supplemental report on 06/03/14.

Declaration of Rebecca Gonzalez (Guardian) filed 07/10/14 states: That since the last hearing, the father Larry Gonzalez, Sr., was arrested on federal charges of selling illegal contraband (counterfeit sunglasses) and has a hearing in Federal Court in September 2014. Therefore, the guardians request that the guardianship stay intact pending the outcome of the father's charges.

Court Investigator Jennifer Young filed a supplemental report on 07/22/14.

Petition of Conservator for Instructions

		JOYCE V. DAVIS , Sister and Conservator of the Person and Estate with bond of \$333,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			1. Petitioner filed her First Account on 5-15-14; however, the petition was not in compliance with applicable law, and was denied on 6-24-14. The Court set a status hearing of 10-22-14 as a deadline for the filing of an amended First Account, and Petitioner was encouraged to seek the assistance of an attorney going forward.
			This "Petition for Instructions" filed 8-18-14 is a simple, one-page document that requests authority to sell various assets of the Conservatee. However, it is not even signed by the Petitioner, and does not contain the information necessary for the Court to consider this type of request.
			Further, the Court may require a completed First Account before authorizing further action by the Conservator.
			See Probate Code §§ 1020, 1060, 2540, 2620, Cal. Rules of Court 7.575, Local Rule 7.1.1.C., and other applicable law and rules.
			<u>Note: It appears Petitioner continues to utilize a legal document preparation service; however, it is clear that this service is not meeting her needs. Petitioner is strongly encouraged to contact a Probate Attorney to assist her going forward. Further, Petitioner may wish to request a refund if she has paid for these insufficient document services. Please also remember that non-attorney services cannot give legal advice and are not reimbursable by the conservatorship estate.</u>
			2. It also appears that based on the Inventory and Appraisals that have now been filed, Petitioner's bond of \$333,000.00, which was based on her original estimate of the estate value and income, is insufficient. Petitioner is reminded of her duty to increase bond pursuant to Cal. Rules of Court 7.204.
			At this time, Examiner calculates the appropriate bond amount to be \$502,194.24, not including the house, and also not including the vehicle that Petitioner refers to, because it has not been inventoried as an estate asset. (Is a Supplemental I&A appropriate?) If the house and vehicle are authorized to be sold, the bond amount will need to be adjusted accordingly.
			3. The Conservatee Margaret Thomas is entitled to notice of this petition. See Probate Code §1460.
			Reviewed by: skc
			Reviewed on: 9-25-14
			Updates:
			Recommendation:
			File 12 - Thomas
Aff.Sub.Wit.		Petitioner requests to	
Verified		sell the conservatee's	
Inventory		real property and	
PTC		vehicle because funds	
Not.Cred.		are needed for her	
Notice of Hrg		upkeep.	
Aff.Mail		Note: The petition is not	
Aff.Pub.		signed/verified by the	
Sp.Ntc.		Conservator.	
Pers.Serv.		Note: The vehicle	
Conf. Screen		referred to in this	
Letters		petition has not been	
Duties/Supp		inventoried as an asset	
Objections		of the conservatorship	
Video Receipt		estate.	
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Atty Salaymeh, Asmahan (Pro Per – Spouse – Petitioner)

Petition for Appointment of Probate Conservator of the Person and Estate
(Prob. C. 1820, 1821, 2680-2682)

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		ASMAHAN SALAYMEH , Spouse, is Petitioner and requests appointment as Conservator of the Person.	Court Investigator advised rights on 8-1-14.
			Voting rights affected – need minute order.
Cont. from 081214		Note: The box for conservatorship of the estate is also checked in the title of the petition; however, Section 1.b. which is the request for conservatorship of the estate is blank.	1. Need Notice of Hearing.
<input type="checkbox"/>	Aff.Sub.Wit.		2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1822 on:
<input checked="" type="checkbox"/>	Verified		- Bayan Salaymeh
<input type="checkbox"/>	Inventory		- Rawan Salaymeh
<input type="checkbox"/>	PTC		- Ibrahim Salaymeh
<input type="checkbox"/>	Not.Cred.		- Mohammad Salaymeh
<input type="checkbox"/>	Notice of Hrg	X	3. Need Citation.
<input type="checkbox"/>	Aff.Mail	X	4. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing per Probate Code §1824 on the proposed Conservatee Fawzi Salaymeh.
<input type="checkbox"/>	Aff.Pub.		5. Need video receipt per Local Rule 7.15.8.
<input type="checkbox"/>	Sp.Ntc.		6. Petitioner did not check box 1g of the petition, but did file a capacity declaration. Therefore, need clarification: Is Petitioner requesting medical consent powers under Probate Code §2355?
<input type="checkbox"/>	Pers.Serv.	X	7. The petition does not request conservatorship of the estate; however, it appears Petitioner intended to request estate powers also. The Court may require additional information regarding the estate. If estate powers are granted, additional requirements will need to be met and the Court will set status hearings to make sure that the steps are completed.
<input checked="" type="checkbox"/>	Conf. Screen		8. Need order and Letters.
<input checked="" type="checkbox"/>	Letters		Note: It appears that Petitioner may have received assistance from a document service to prepare her petitions; however, based on the numerous and continuing deficiencies in the filings, Petitioner may wish to request refund if money was paid, and seek assistance from an attorney.
<input checked="" type="checkbox"/>	Duties/Supp		Reviewed by: skc
<input type="checkbox"/>	Objections		Reviewed on: 9-23-14
<input type="checkbox"/>	Video Receipt	X	Updates:
<input checked="" type="checkbox"/>	CI Report		Recommendation:
<input type="checkbox"/>	9202		File 13 – Salaymeh
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	X	
<input type="checkbox"/>	FTB Notice		

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 75	LEVONIA GARCIA , Daughter, is Petitioner and requests appointment as Conservator of the Person and Estate.	NEEDS/PROBLEMS/COMMENTS:
		<p><u>Note:</u> Pursuant to the Court Investigator's report, the petitioner does not wish to pursue this petition. It is therefore recommended that the petition be denied and dismissed.</p> <p>Therefore, Examiner Notes are not provided for this matter. If this matter goes forward, continuance will be necessary for proper notice and further investigation.</p> <p><u>However,</u> Petitioner's Request to Waive Court Fees was denied on 8-22-14. Therefore, filing fees for this petition (\$435.00) are due, and Court Investigation fees may also be due.</p>
<input type="checkbox"/> Aff.Sub.Wit.	<input type="checkbox"/>	
<input type="checkbox"/> Verified	<input type="checkbox"/>	
<input type="checkbox"/> Inventory	<input type="checkbox"/>	
<input type="checkbox"/> PTC	<input type="checkbox"/>	
<input type="checkbox"/> Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/> Notice of Hrg	<input type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/> Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/> Pers.Serv.	<input type="checkbox"/>	
<input type="checkbox"/> Conf. Screen	<input type="checkbox"/>	
<input type="checkbox"/> Letters	<input type="checkbox"/>	
<input type="checkbox"/> Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/> Objections	<input type="checkbox"/>	
<input type="checkbox"/> Video Receipt	<input type="checkbox"/>	
<input type="checkbox"/> CI Report	<input type="checkbox"/>	
<input type="checkbox"/> 9202	<input type="checkbox"/>	
<input type="checkbox"/> Order	<input type="checkbox"/>	
<input type="checkbox"/> Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/> Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/> UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/> Citation	<input type="checkbox"/>	
<input type="checkbox"/> FTB Notice	<input type="checkbox"/>	
		Reviewed by: skc
		Reviewed on: 9-25-14
		Updates:
		Recommendation:
		File 14 - Rogers

Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

			TEMP DENIED 8-19-14	NEEDS/PROBLEMS/COMMENTS:
			MELINDA C. SIMENTAL , Mother, is Petitioner and requests appointment as Guardian of the Estate with additional powers under Probate Code §2590. Bond is not addressed. Father: Deceased (name not provided) Paternal Grandfather: Deceased Paternal Grandmother: Maria Cortez Maternal Grandfather: Not listed Maternal Grandmother: Not listed Petitioner states the minor is due a minimum of \$290,000.00 from the estate of her deceased father and the life insurance companies will not release monies to a minor child.	1. The Child Information Attachment is blank at #1c regarding information required by Probate Code §1510(c)(6) (Indian Child Welfare Act). 2. The Child Information Attachment is incomplete at #2 – need verified list of minor’s relatives (names) for notice purposes. 3. Need Notice of Hearing. 4. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice on: - Gabriella Krystal Simental (minor) 5. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on and all relatives pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on all relatives. 6. Petitioner does not address bond. Pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, bond including a reasonable amount for cost of recovery should be \$319,000.00. Alternatively, the Court may order the minor’s funds to be blocked pursuant to Local Rule 7.8. If so, need MC-355 Order to Deposit Money Into Blocked Account. 7. Petitioner requests powers under Probate Code §2590, but does not explain why. Pursuant to Local Rule 7.15.2, it is the policy of the Court to only grant specific powers necessary to administer the guardianship estate. Need clarification.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	x		
	Aff.Mail	x		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Note: If granted, the Court will set status hearings as follows: • Tuesday 11-12-14 for filing the bond • Tuesday 2-24-15 for filing the Inventory and Appraisal • Tuesday 2-23-16 for filing the first account If the proper items are on file prior to the status date, the hearing may be taken off calendar.
				Reviewed by: skc
				Reviewed on: 9-25-14
				Updates:
				Recommendation:
				File 15 - Simental

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		JAZEL G. PALMA , Maternal Aunt, is Petitioner.	1. If diligence is not found, need notice to the paternal grandfather and to the maternal grandfather pursuant to Probate Code §1511.
		Father: PASCUAL SANCHEZ - Consents and waives notice	
		Mother: MONIQUE SANCHEZ - Consents and waives notice	
		Paternal Grandfather: Unknown - Declaration of Due Diligence filed 8-6-14	
		Paternal Grandmother: Aurora Sanchez - Deceased	
		Maternal Grandfather: Richard Gomez - Declaration of Due Diligence filed 8-6-14	
		Maternal Grandmother: Elizabeth Palma - Consents and waives notice	
		- Mailed notice 8-14-14	
		Sibiling: Alexis Palma - Mailed notice 8-14-14	
		Petitioner states the mother is currently in a treatment center and cannot tend to the children. The children have been residing with Petitioner, who is providing a safe, loving home environment.	
		Court Investigator Charlotte Bien filed a report on 9-12-14.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9-25-14
			Updates:
			Recommendation:
			File 16 - Sanchez

	GENERAL HEARING 9-17-14						NEEDS/PROBLEMS/COMMENTS:							
	IRENE HARO, Maternal Cousin, is Petitioner.						1. Need notice to the father(s) per Probate Code §2250(e) or consent and waiver of notice or declaration(s) of due diligence.							
	Father (Percy): UNKNOWN Father (Jeremiah): UNKNOWN													
	Mother: PATRICIA MCGUINNESS - Deceased						Update: Declaration of Due Diligence filed 9-25-14 re the father states "unknown" but does not indicate any efforts to identify or locate the father.							
	Paternal Grandparents: Unknown													
	Maternal Grandfather: Danny McGuinness Maternal Grandmother: Jessie Cardenas													
	Siblings: Rigo Alanis, Jr.													
	Petitioner states the mother is deceased and the father has not played any active parenting role. The children were with an uncle that lived a lifestyle not suitable for children. There was no structure and the children often missed school.													
	According to the UCCJEA, the children have been with Petitioner since 8-31-14.													
Aff.Sub.Wit.							Reviewed by: skc							
✓ Verified							Reviewed on: 9-25-14							
Inventory							Updates: 9-29-14							
PTC							Recommendation:							
Not.Cred.							File 17 – Ellbere & Samuels							
Notice of Hrg	x													
Aff.Mail														
Aff.Pub.														
Sp.Ntc.														
Pers.Serv.	x													
✓ Conf. Screen														
✓ Letters														
✓ Duties/Supp														
Objections														
Video Receipt														
CI Report														
9202														
✓ Order														
Aff. Posting														
Status Rpt														
✓ UCCJEA														
Citation														
FTB Notice														